

Exhibit M

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIN GURSSLIN,

Plaintiff,

Case No. 20-cv-6508 (EAW) (MJP)

v.

THE CITY OF ROCHESTER, a municipal entity, POLICE
OFFICER JEREMY NELLIST, POLICE OFFICER JOSHUA
KELLY, COMMANDER FABIAN RIVERA, LIEUTENANT AARON
SPRINGER,

Defendants.

Remote Deposition Upon Oral Examination Of:

James W. Crosby, PhD

Date: June 18, 2024

Time: 10:00 a.m.

Reported By: CHRISTINE VIGNA

Alliance Court Reporting, Inc.

109 South Union Street, Suite 400

Rochester, New York 14607

A P P E A R A N C E S

Appearing Remotely on Behalf of Plaintiff:

Elliot D. Shields, Esq.

Roth & Roth LLP

192 Lexington Avenue, Suite 802

New York, New York 10016

eshields@rothandrothlaw.com

Appearing Remotely on Behalf of Defendants:

Peachie L. Jones, Esq.

City of Rochester Law Department

City Hall, Room 400A

30 Church Street

Rochester, New York 14614

peachie.jones@cityofrochester.gov

* * *



ALLIANCE

COURT REPORTING, INC.

Videography · Remote · Deposition Suites

www.alliancecourtreporting.net · 585.546.4920

1 JAMES W. CROSBY, PHD - BY MS. JONES
2 regardless of the witness' location;

3 And finally, that there will be no
4 objection to the admissibility of this
5 transcript based on proceeding in this way
6 starting with counsel for the plaintiff?

7 MR. SHIELDS: Yes. So stipulated.

8 MS. JONES: Yes. Defendant also
9 stipulates.

10 MR. SHIELDS: I have no follow-up
11 questions from last time, so you can go
12 ahead, Peachie.

13 MS. JONES: Okay. Great.

14 JAMES W. CROSBY, PHD,
15 called herein as a witness, first being
16 sworn, testified as follows:

17 EXAMINATION BY MS. JONES:

18 Q. Mr. Crosby, again my name is Peachie
19 Jones. Just to remind you from last time around,
20 will you please wait until I finish my question
21 before you answer?

22 A. Yes.

23 Q. Will you tell me if you don't
24 understand my question?

25 A. Yes.



ALLIANCE

COURT REPORTING, INC.

Videography · Remote · Deposition Suites

www.alliancecourtreporting.net · 585.546.4920

1 JAMES W. CROSBY, PHD - BY MS. JONES
2 have been trained to use and that use of deadly
3 force, whether it's with animals or others with
4 humans, should be your last option, not your first.

5 Q. Did the city incorporate any of the
6 content or parts of the free and effective training
7 such as the LEDET or from California POST into their
8 training on dog encounters?

9 A. I've looked at the DiDomenico
10 training, both the original longer version and the
11 shorter version that were supposed to be presented,
12 I guess, as roll call or in-service. And many of
13 the same principles were included such as firearms
14 are a last -- a last option and trying to avoid or
15 shield oneself from an approaching dog is
16 appropriate, using less and non-lethal means of
17 force is not only appropriate, but desired. So many
18 of the basic -- the very basic principles that run
19 through all of these trainings were there.

20 The officers, however, have testified
21 that they didn't remember or incorporate any of that
22 into their practices.

23 Q. I believe in the prior deposition you
24 said that you principally relied on the officers'
25 deposition testimony in concluding that the city's



ALLIANCE

COURT REPORTING, INC.

Videography · Remote · Deposition Suites

www.alliancecourtreporting.net · 585.546.4920

1 JAMES W. CROSBY, PHD - BY MS. JONES
2 training on dog encounters was subpar. Am I
3 remembering that correctly or did you rely on other
4 things to support your opinion that the city failed
5 to appropriately train its officers on dog
6 encounters?

7 MR. SHIELDS: Objection to form.

8 A. It's a combination. It's the
9 officers' testimony coupled with the fact that they
10 are not practicing those techniques, at least in the
11 cases that I've directly examined here. They're not
12 practicing the techniques that we're taught in the
13 training.

14 The training itself was very -- was
15 relatively speaking very short, which is in itself a
16 problem and fails -- fails to address enough
17 information and techniques. There was no indication
18 that the training involved actually practicing any
19 of these techniques, which for police training is
20 very unusual. Defensive tactics and firearms
21 tactics are typically subject to repeated long-term
22 training, many repetitions as opposed to just
23 sitting in a classroom with a PowerPoint.

24 The animal encounter training in this
25 case was -- was again not interactive. It was not



ALLIANCE

COURT REPORTING, INC.

Videography · Remote · Deposition Suites

www.alliancecourtreporting.net · 585.546.4920

1 JAMES W. CROSBY, PHD - BY MS. JONES
2 State of Louisiana.

3 So the last actual trial would have
4 been 2019. Again, because the process -- the
5 attorneys tend to settle out.

6 Q. I'm sorry. Can you spell the names
7 in that St. Louis 2019 case?

8 A. Yes. That was the case where the
9 settlement was \$750,000 in favor of the plaintiff.
10 The names were Zorich. That's Z-O-R-I-C-H versus
11 Zavorka, Z-A-V-O-R-K-A, and the St. Louis County
12 Police Department. And that was in St. Louis,
13 Missouri.

14 Q. Thank you.

15 What good and accepted police
16 practice states that training on dog encounters
17 should last at least four hours?

18 A. In my experience -- and I
19 wouldn't -- I wouldn't draw a hard line at four
20 hours. I would say that teaching the subject
21 adequately should not be tried or done in less than
22 about four hours simply because of the volume of
23 behavioral issues, use of less and non-lethal forces
24 and the criteria one should consider when it is
25 appropriate to use deadly force. That takes time.



ALLIANCE

COURT REPORTING, INC.

Videography · Remote · Deposition Suites

www.alliancecourtreporting.net · 585.546.4920